

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10  
11 HAWTHORN SUITES FRANCHISING,  
12 INC.,

13 Plaintiff,

14 v.

15 BRIJ MADAN,

16 Defendant.

17 Case No. 1:20-mc-00003-SAB

18 ORDER REQUIRING PLAINTIFF TO  
19 PROVIDE CORRECTED REQUEST FOR  
20 ABSTRACT OF JUDGMENT OR PROVIDE  
21 SUPPLEMENTAL BRIEFING

22 (ECF No. 2)

23 SEVEN DAY DEADLINE

24 On September 30, 2020, Plaintiff filed a request for an abstract of judgment. (ECF No.

25 2.) The most recent copy of the judgment attached therein, entitled amended judgment and dated  
26 March 26, 2014, issued by the Clerk of the United States District Court for the Northern District  
27 of Georgia, specifies that Defendant Brij Madan is jointly and severally liable in the amount of  
28 \$454,788.53, along with attorney's fees and costs in the amount of \$40,681.55. (ECF No. 2 at

29 5.) On December 26, 2019, the document was certified by the clerk of that court as a true and  
30 correct copy. (Id.) Plaintiff also provided a clerk's certification of a judgment to be registered in  
31 another district dated January 2, 2020, certifying the attached copy of the judgment was entered  
32 on March 27, 2014, that no motion or appeal is pending, and the time for appeal has expired. (Id.  
33 at 3.) This document has a CM/ECF filing stamp from the Northern District of Georgia, showing  
34 the document was filed in case number 1:20-at-00037 on January 17, 2020. (Id.)

1       The request for abstract of judgment as filled out by counsel for Plaintiff proffers that the  
2 judgment was entered on January 17, 2020, and the “[t]otal amount of judgment as entered or  
3 last renewed” is \$676,520.28. (Id. at 1.) This amount is not referenced in any of the certified  
4 copies of the judgment entered or renewed. It is the general procedure of the Clerk of the Court  
5 to only enter an abstract of judgment that reflects the same monetary judgment as on the  
6 judgment as entered or last renewed. The certified judgment attached only demonstrates a  
7 judgment entered in the amount of \$454,788.53, along with attorney’s fees and costs in the  
8 amount of \$40,681.55. (Id. at 5.)

9       Further, it does not appear that the January 17, 2020 date, entered by counsel as the date  
10 that judgment was entered, is the proper date for this section of the form. Additionally, this  
11 action for enforcement was filed in the Fresno division of the United States District Court for the  
12 Eastern District of California, however, counsel entered the address for the Sacramento division.

13       Accordingly, IT IS HEREBY ORDERED that within seven (7) days of entry of this  
14 order:

15       1. Plaintiff shall either file a corrected request for an abstract of judgment that  
16 reflects the same monetary judgment as entered or last renewed on the certified  
17 judgment, as well as the correct date of judgment and address of this Court; or  
18       2. If Plaintiff’s position is that the increased amount of monetary judgment and date  
19 of judgment as entered is appropriate, supplemental authority or documentation  
20 demonstrating the increased amount of monetary judgment may be appropriately  
21 entered by this Court, as well as a corrected abstract of judgment that incorporates  
22 the correct address of this Court.

23  
24       IT IS SO ORDERED.

25       Dated: October 2, 2020

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

26  
27  
28